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8 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 FERNANDO LIZARRAGA-VAZQUEZ,

13 Defendant.
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Case No.: 2:21-mj-00546-BNW

**STIPULATION TO CONTINUE THE
PRELIMINARY EXAMINATION
HEARING
(First Request)**

15 IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER
16 CHIOU, United States Attorney, and ALLISON REESE, Assistant United States Attorney,
17 counsel for the United States of America, and MACE J. YAMPOLSKY, counsel for Defendant
18 FERNANDO LIZARRAGA-VAZQUEZ, that the preliminary examination hearing in the
19 above-captioned matter, currently scheduled for July 8, 2021, at 2:30 p.m., be vacated and
20 continued for thirty (30) days, to a date and time to be set by this Honorable Court.

21 This stipulation is entered into for the following reasons:

22 1. The Government needs additional time to produce relevant discovery to Defense
23 Counsel.

24 ///

2. Defense Counsel needs additional time to review the discovery, conduct additional investigation, and confer with the Defendant about how he would like to proceed.

3. The parties agree to the continuance.

4. Defendant FERNANDO LIZARRAGA-VAZQUEZ is not in custody and does not object to the continuance.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.

7. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

8. This is the first request for a continuation of the preliminary examination hearing.

DATED: July 7, 2021

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Allison Reese

ALLISON REESE
Assistant United States Attorney

/s/ Mace J. Yampolsky

MACE J. YAMPOLSKY
Counsel for Defendant Fernando Lizarraga-Vazquez

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 FERNANDO LIZARRAGA-VAZQUEZ,

7 Defendant.

Case No.: 2:21-mj-00546-BNW

ORDER

8 **ORDER**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court finds that:

11 1. The Government needs additional time to produce relevant discovery to Defense
12 Counsel.

13 2. Defense Counsel needs additional time to review the discovery, conduct additional
14 investigation, and confer with the Defendant about how he would like to proceed.

15 3. Defendant FERNANDO LIZARRAGA-VAZQUEZ is not in custody and does
16 not object to the continuance.

17 4. Additionally, denial of this request for continuance could result in a miscarriage of
18 justice.

19 5. The additional time requested herein is not sought for purposes of delay, but to
20 allow for a potential pre-indictment resolution of the case.

21 6. The additional time requested by this stipulation, is allowed, with the defendant's
22 consent under the Federal Rules of Procedure 5.1(d).

23 7. This is the first request for a continuation of the preliminary hearing.
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1 For all of the above-stated reasons, the ends of justice would best be served by a
2 continuance of the preliminary hearing date.

3 **CONCLUSIONS OF LAW**

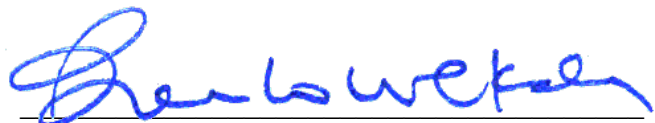
4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant, since the failure to grant said continuance would be likely to result in
6 a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to
7 indictment, and further would deny the parties sufficient time and the opportunity within which
8 to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account
9 the exercise of due diligence.

10 The continuance sought herein is allowed, with the defendant's consent, pursuant to
11 Federal Rules of Procedure 5.1(d).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
14 July 8, 2021, at 2:30 p.m., be vacated and continued to August 12, 2021, at the hour of
15 2:00 p.m.

16 DATED this 7th day of July, 2021.

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19 THE HONORABLE BRENDA WEKSLER
20 UNITED STATES MAGISTRATE JUDGE
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